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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,206	10/06/2003	Lester Sussman		3809

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EXAMINER	
BANTAMOI, ANTHONY	

ART UNIT	PAPER NUMBER
2423	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	**Application No.** 10/679,206	**Applicant(s)** SUSSMAN, LESTER
	Examiner ANTHONY BANTAMOI	**Art Unit** 2423

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 April 2010*.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,7,8,11-18 and 20-24* is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-5,7,8,11-18 and 20-24* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a)☐ All b)☐ Some * c)☐ None of:
1.☐ Certified copies of the priority documents have been received.
2.☐ Certified copies of the priority documents have been received in Application No. _____.
3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/12/2010 has been entered.

Response to Arguments

Applicant's arguments filed 03/01/2010 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 7-8, 11-18, 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication 2003/0114199 to Takeyasu. (Takeyasu), in view of WO 03/085965 A1 to Staunton et al. (Staunton).

Regarding claims 1, 13 Takeyasu teaches a television apparatus (figure 4, labels 2-5) to extract on-demand television advertisement contact information by a television viewer (Para. 0031, ll. 23-31) comprising:

(a) a television receiver in said television apparatus (figure 4, label 4 (receiver is inherent see TV Broadcasting tower)) for receiving a television advertisement picture signal having a television advertisement data signal embedded therein (Para. 0033, ll. 6-12), wherein said television advertisement data signal representing a page of teletext data of said television advertisement picture signal (Para. 0033, ll. 16-23) wherein said television advertisement picture signal actively displayed on said television apparatus (Para. 0025, ll. 4-23),

(b) a data acquisition circuit (figure 4, label 5) for acquiring said page of teletext data of said television advertisement picture signal (Para. 0033, ll. 21-23),

wherein said page of teletext data comprising a plurality of data, said plurality of data including contact information to contact a representative of said television advertisement picture signal by said television viewer, wherein said contact information is a page of teletext contact data (Para. 0031, ll. 17-31), wherein said of teletext contact data embedded in said television advertisement picture signal occurring at an advertisement teletext insertion time (Para. 0033, ll. 12-15, & 21-23).

In addition Takeyasu teaches (c) a first memory (101) in said television apparatus for storing a plurality of said page of teletext contact data (Para. 0027, entire, & Para. 0033, ll. 6-7)),

(d) a first display in said television apparatus for generating images representative of selected portions of said page of teletext contact data (figure 4, label 4 (see display with NOKIA advertisement)),

(e) a first page selection means for selecting said teletext contact data for display on said television apparatus (figure 3, label 205),

(f) a first wireless transceiver circuit (figure 4, label 2 (deliverer/transceiver)) in said television apparatus for transmitting said page of teletext data page of teletext contact data to a remote control device (figure 4, label 3 (the cellular phone is an equivalent of applicant's remote because they both used for teletext data requesting and downloading into their respective memories-see also Para. 0008 for the prior art teaching)) upon receiving a request signal from said remote control device for said first page selection of said television advertisement picture signal, and for receiving a set of television advertisement teletext contact data navigation instructions into said television apparatus, said teletext contact data navigation instructions to navigate a plurality of pages of said teletext contact data stored in said first memory in said television apparatus (Para. 0031, ll. 17-31, & figure 3, label 205 (up button)),

(g) a second page selection means (figure 3, label 205 (down button)) for selecting said teletext contact data for display on a second display (figure 3, label 204) on said remote control device (figure 3, entire),

(h) a third page selection means (figure 3, label 206) for selecting said teletext contact data for transmission to said remote control device (figure 3, entire), and

(i) a microcontroller (101) in said television apparatus coupled to said first memory (102), said first display (figure 4, label 4 (see display)), said first page selection means (figure 3, label 205 (up button)), said second page selection means (figure 3, label 205 (down button)), said third page selection means (figure 3, label 206), and said first wireless transmitter circuit (103), and wherein said microcontroller (101) in said television apparatus being configured to cause delivery of a set of television control signals to said first wireless transmitter circuit upon receiving a set of signals from said remote control device via said first wireless transmitter circuit and to select said page of teletext contact data to be displayed on said first display in response to a request signal received from said remote control device (Para. 0027, entire, Para. 0025, ll. 4-23, & Para. 0031, ll. 17-31(CPU control the operation of (2))) .

Takeyasu is silent on said advertisement teletext insertion time occurring in non real- time to said television advertisement picture signal transmission to said television apparatus.

Staunton teaches said advertisement teletext insertion time occurring in non real-time to said television advertisement picture signal transmission to said television apparatus (pg. 3, ll. 16-18).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the real time insertion of teletext data of Takeyasu to include non real-time teletext insertion as taught by Staunton in order to support user interaction with additional information without interfering with the viewing pleasure of other viewers of a current program.

Regarding claim 2, Takeyasu teaches the television apparatus, wherein said first page selection means, said second page selection means and said third page selection means comprise a remote control device having a plurality of command keys (figure 4, label 3 (the cellular phone is an equivalent of applicant’s remote because they both used for teletext data requesting and downloading into their respective memories-see also Para. 0008 for the prior art teaching)).

Regarding claim 3, Takeyasu teaches a television apparatus (figure 4, labels 2-5) to extract on-demand television advertisement contact information (Para. 0031, ll. 23-31) comprising:

a) a television receiver (figure 4, label 4) in said television apparatus (1) for receiving a television advertisement picture signal () having a television advertisement data signal (Para. 0033, ll. 6-12);

(b) a data acquisition circuit (figure 4, label 5) for acquiring said page of teletext data of said television advertisement, wherein said page of teletext data comprising a plurality of data (Para. 0031, ll. 17-31);

(a) a first memory (101) in a television apparatus for storing a plurality of television advertisement teletext data, wherein each said television advertisement teletext data is embedded in a specific television advertisement picture signal received and displayed on an active television apparatus (Para. 0033, ll. 12-15, & 21-23);

(b) a second memory in said remote control device for storing a plurality of television advertisement teletext data, wherein each said television advertisement teletext data is inserted in said specific television advertisement picture signal received and displayed on said active television apparatus (Para. 0033, ll. 12-15, & 21-23 (second memory is inherent –see Para. 0025, ll. 19-23)), wherein said television apparatus is a first electronic device and wherein said remote control device is a second electronic device (figure 4, labels 4, & 3), wherein said television advertisement teletext data comprising a plurality of data representing a page of teletext data, said page of teletext data including contact information to contact a representative of said specific television advertisement by said television viewer, wherein said contact information is a page of teletext contact data (Para. 0031, ll. 17-31),

wherein said, of teletext contact data inserted in said television advertisement picture signal occurring at an advertisement teletext insertion time (Para. 0033, ll. 12-15, & 21-23).

(c) a display in said remote control device (figure 4, label 3) for generating images representative of selected portions of said television advertisement picture signal, and said page of teletext contact data (figures 1-4),

(d) a user input device (keypad, & other buttons-see figure 3) in said remote control device for enabling input of television channel selection, a set of television advertisement teletext contact data navigation instructions including a selection input of said television advertisement picture signal displayed on said active television apparatus, and a set of communications instructions into said remote control device (Para. 0031, entire),

(e) a wireless transceiver circuit (103) in said remote control device for transmitting a set of control signals and a set of data signals to said television apparatus and a said third electronic device and for receiving an on-demand selection of said page of teletext data from said television apparatus (Para. 0025, entire, & Para. 0027, entire),

(f) a microprocessor (101) in said remote control device coupled to said second memory, said display, said user input device and said wireless transmitter ~~circuit,~~ circuit in said remote control device, wherein said microprocessor in said remote control device being configured to cause delivery of said set of control data signals to said wireless transmitter circuit (103) and to select portions of said page of teletext contact data to be displayed on said display in said remote control device in response to said set of communications instructions received from said user input device, and wherein said television advertisement picture signal teletext data is selected from the group comprising an analog teletext system and a digital teletext system (Para. 0033, entire, Para. 0027, entire, Para. 0025, ll. 4-23, & Para. 0031, ll. 17-31(CPU control the operation of (2))).

Takeyasu is silent on said advertisement teletext insertion time occurring in non real- time to said television advertisement picture signal transmission to said television apparatus.

Staunton teaches said advertisement teletext insertion time occurring in non real-time to said television advertisement picture signal transmission to said television apparatus (pg. 3, ll. 16-18).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the real time insertion of teletext data of Takeyasu to include non real-time teletext insertion as taught by Staunton in order to support user interaction with additional information without interfering with the viewing pleasure of other viewers of a current program.

Regarding claim 7, Takeyasu teaches the teletext is selected from the group comprising an analog teletext system and a digital teletext system (Para. 0033, ll. 19-21).

Regarding claim 8, Takeyasu teaches the third electronic device being selected from the group consisting of a telephone, a computer, a personal digital assistant device and a television set-top box (figures 1, & 4).

Regarding claim 11, Takeyasu teaches the wireless transceiver circuit (103) being selected from the group consisting of an infrared circuit and a Bluetooth-enabled circuit (Para. 0027, entire, & figure 3, label 202).

Regarding claim 12, Takeyasu teaches the wireless transceiver circuit being selected from the group consisting of an infrared circuit and a Bluetooth-enabled circuit (Para. 0027, entire, & figure 3, label 202).

Regarding claim 14, Takeyasu teaches the method comprising the additional steps of:

(e) selecting a specific page of teletext contact data in said first memory means in said active television apparatus and transmitting said page of teletext contact data to said remote control device; (f) storing said transmitted page of teletext contact data in said second memory means in said remote control device; said first memory means in said active television apparatus using an input means on said remote control device; (h) displaying said page of teletext contact data on said television apparatus display using said remote control device (Para. 0025, 0031, & 0033).

Regarding claim 15, Takeyasu teaches the method comprising the additional steps:

(i) displaying said page of teletext contact data stored in said second memory means in said remote control device on a second display means on said remote control device; (j) said second memory means in said remote control device using said input means on said remote control device; (k) displaying on said active television apparatus said page of teletext contact data selected in said second memory means in said remote control device, using said input means in said remote control device; (l) using said page of teletext contact data stored in said second memory means in said remote control device to contact a representative of said television advertisement, using a third electronic device over a network means (Para. 0031-0032).

Regarding claim 16, Takeyasu teaches the third electronic device being selected from the group consisting of a telephone, a computer, a personal digital assistant device and a television set-top box (figures 1, & 4).

Regarding claim 17, Takeyasu teaches the network means being selected from the group consisting of an Internet and a public telephone network (Para. 0029, entire).

Regarding claim 18, Takeyasu teaches the television signal being selected from the group consisting of a cable television signal, a satellite television signal and a broadcast television signal (figure 4, TV Broadcasting).

Regarding claim 20, Takeyasu teaches the teletext is selected from the group comprising an analog teletext system and a digital teletext system (Para. 0033, entire).

Regarding claim 21, Takeyasu teaches the remote control device wherein said page of selected teletext data is transmitted and printed on a printing device (Para. 0025, entire (paper)).

Regarding claims 22-24, Takeyasu teaches the television apparatus, wherein said page of teletext data comprises a first tag marking start of said page of teletext data, said contact information and a second tag marking end of said page of teletext data (Para. 0031, entire (end points are inherent)).

Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Takeyasu, in view Staunton, in view of US Patent 5,973,747 to Goreta. (Goreta).

Regarding claim 4, Takeyasu teaches the remote control device (figure 4, label 3), wherein said set of communications instructions include:

(i) retrieval and display of said page of teletext contact data for an advertisement displayed on said television apparatus; (ii) retrieval and display of said page of teletext contact data stored in said television apparatus first memory; (iv) retrieval of said page of teletext data stored in said television apparatus first memory (Para.0025, ll. 4-23).

Takeyasu and Staunton are silent on selection and deletion of said page of teletext data stored in said second memory in said remote control device.

Goreta teaches selection and deletion of said page of teletext data stored in said second memory in said remote control device (column 5, ll. 24-31, & figure 2, label 9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings Takeyasu and Staunton to include selection and deletion of said page of teletext data stored in said second memory in said remote control device as taught by Goreta in order to increase user control over data storage management in the handheld/portable device thereby increasing device portability by reducing the amount of memory required for operating the handheld/portable device.

Regarding claim 5, Takeyasu teaches the remote control device (figure 4, label 3), wherein said set of communications instructions include:

(v) retrieval and display of said page of teletext contact data stored in said second memory in said remote control device; (vi) transmission of said retrieved page of teletext contact data to said third electronic device from said remote control device (Para.0025, ll. 4-23).

Takeyasu and Staunton are silent on selection and deletion of said page of teletext data stored in said second memory in said remote control device.

Goreta teaches selection and deletion of said page of teletext data stored in said second memory in said remote control device (column 5, ll. 24-31, & figure 2, label 9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings Takeyasu and Staunton to include selection and deletion of said page of teletext data stored in said second memory in said remote control device as taught by Goreta in order to increase user control over data storage management in the handheld/portable device thereby increasing device portability by reducing the amount of memory required for operating the handheld/portable device.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY BANTAMOI whose telephone number is (571)270-3581. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571)2727296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ANTHONY BANTAMOI/
Examiner, Art Unit 2423

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2423